

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:

Achaogen, Inc.,¹

Debtor.

Chapter 11

Case No. 19-10844 (BLS)

Re: Docket No. 686, 692, 697

NOTICE OF (I) EFFECTIVE DATE OF FIRST AMENDED
CHAPTER 11 PLAN OF LIQUIDATION OF ACHAOPEN, INC. AND THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS OF ACHAOPEN, INC.
AND (II) BAR DATES FOR CERTAIN CLAIMS

PLEASE READ THIS NOTICE CAREFULLY AS IT CONTAINS BAR DATES
AND OTHER INFORMATION THAT MAY AFFECT YOUR RIGHTS TO RECEIVE
DISTRIBUTIONS UNDER THE PLAN:

Entry of Confirmation Order. On May 29, 2020, the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) entered the *Findings of Fact, Conclusions of Law, and Order Approving Disclosure Statement on a Final Basis and Confirming the First Amended Plan of Liquidation Jointly Proposed by Achaogen, Inc. and the Official Committee of Unsecured Creditors of Achaogen, Inc.* [D.I. 697] (the “Confirmation Order”) in the above captioned chapter 11 case of Achaogen, Inc. (the “Debtor”). Pursuant to the Confirmation Order, the Bankruptcy Court confirmed the *First Amended Plan of Liquidation* [D.I. 686-1] (including all exhibits thereto and as further amended, modified, or supplemented from time to time, the “Plan”).²

Effective Date. Each of the conditions precedent to the effectiveness of the Plan occurred or was waived in accordance with its provisions. Accordingly, the Plan became effective and was substantially consummated on **May 29, 2020** (the “Effective Date”).

Binding Effect. The Plan and its provisions are binding on the Debtor, all present and former holders of Claims or Interests (whether or not such holders shall receive or retain any property or interest in property under the Plan), and their respective heirs, executors, administrators, successors, and assigns, whether or not the Claim or Interest of such holder is impaired under the Plan, and whether or not such holder voted to accept the Plan.

Bar Date for Administrative Claims. The bar date or last date for the filing by any Person of any motion or application for allowance of an Administrative Claim (exclusive of unpaid Professional Fee Claims, DIP Facility Claims, and Administrative Tax Claims) that has accrued between July 1, 2019 and the Effective Date of the Plan and that remains unpaid shall be **4:00 p.m.**

¹ The last four digits of the Debtor’s federal tax identification number are 3693. The mailing address for the Debtor for purposes of this chapter 11 case is 548 Market Street, #70987, San Francisco, CA 94104-5410.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Plan.



(prevailing eastern time) on **June 29, 2020** (the “Administrative Claim Bar Date”). Such Administrative Claims must be filed with the Bankruptcy Court and also served on (i) the Plan Trustee: (a) Achaogen Plan Trust, 151 West 46th Street, 4th Floor, New York, NY 10036, Attn: Edward Neiger and Marianna Udem; and (b) Nick Brown, 2600 Eagan Woods Drive, Suite 400, St. Paul, MN 55121; and (ii) the Claims Agent: Achaogen Claims Processing Center, c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245. Such Administrative Claims must be served by regular mail, overnight courier or hand delivery on the Claims Agent so as to be **actually received** by the Administrative Claim Bar Date. **THE FAILURE TO TIMELY FILE SUCH AN ADMINISTRATIVE CLAIM ACCRUING BETWEEN JULY 1, 2019 AND THE EFFECTIVE DATE AS REQUIRED SHALL BAR THE ADMINISTRATIVE CLAIM FROM BEING PAID.** Nothing in the Plan, Confirmation Order, or this notice extends or modifies any previously applicable Bar Date or Bar Date Order.

Bar Date for Professional Fee Claims. All requests for payment of Professional Fee Claims³ must be filed with the Bankruptcy Court and served upon counsel to the Debtor, counsel to the Official Committee of Unsecured Creditors, the United States Trustee, and all Persons on the Debtor’s Bankruptcy Rule 2002 service list on or before **July 13, 2020**. The objection deadline relating to a request for payment of Professional Fee Claims shall be 4:00 p.m. (prevailing Eastern Time) on the date that is 14 calendar days after the filing of such request.

Bar Date for Rejection Claims. Pursuant to Article VII of the Plan, all executory contracts and unexpired leases of the Debtor which had not been assumed and assigned, or rejected, prior to the Confirmation Date shall be deemed rejected as of the Confirmation Date, *provided, however*, that to the extent any insurance policies of the Debtor, including but not limited to any directors’ and officers’ liability insurance policies, are considered to be executory contracts, no such insurance policies shall be rejected or otherwise impacted pursuant to the Plan and all such insurance policies are deemed assumed on the Effective Date. Any Creditor asserting a Claim for monetary damages as a result of the rejection of an executory contract or unexpired lease deemed rejected pursuant to the Plan (and not on or before the Confirmation Date) shall file a proof of claim substantially in the form of Official Form 410 with the Claims Agent (“Rejection Claim”), and serve it upon (i) Debtor’s counsel; and (ii) the Plan Trustee: Attn: Edward Neiger, so as to be **actually received** by **June 29, 2020** (the “Rejection Bar Date”). **ANY REJECTION CLAIM NOT FILED AND SERVED AS SET FORTH ABOVE BY THE REJECTION BAR DATE SHALL BE FOREVER DISALLOWED AND BARRED.** Nothing in the Plan, Confirmation Order, or this notice extends or modifies any previously applicable Bar Date or Bar Date Order.

Injunctions, Releases, Exculpations. Pursuant to the Plan, subject to the provisions of section 362 of the Bankruptcy Code, all injunctions and stays provided for in the Chapter 11 Case under section 362 of the Bankruptcy Code and in existence on the Confirmation Date, shall remain in full force and effect until the Court enters a final decree closing the Chapter 11 Case and shall be supplemented by the injunctions, discharges, releases, and exculpations in Article IX of the Plan. After the Court enters a final decree closing the Chapter 11 Case, such injunctions or stays under section 362 of the Bankruptcy Code shall be replaced by the injunctions, discharges, releases, and exculpations in Article IX of the Plan.

³ As defined in the Plan, a “Professional Fee Claim” means a Claim of a Professional for compensation or reimbursement of costs and expenses relating to services rendered after the Petition Date and prior to and including the Effective Date.

Retention of Jurisdiction. Notwithstanding the entry of this Confirmation Order and the occurrence of the Effective Date, on and after the Effective Date, this Court (including any successor hereto) shall retain exclusive jurisdiction, subject to any rights of parties in interest to seek withdrawal of the bankruptcy reference with respect to any matters subject to mandatory or discretionary withdrawal and any rights of other parties in interest to oppose such request, over all matters arising out of, or related to, the Chapter 11 Case and the Plan pursuant to sections 105(a) and 112 of the Bankruptcy Code, including jurisdiction of those matters set forth in Article XI of the Plan.

Copies of the Confirmation Order and the Plan. Copies of the Confirmation Order and the Plan, the proof of claim form, the docket of the Chapter 11 Case, and other relevant case information are publicly available, free of charge, by accessing the Debtor's case information website at <https://www.kccllc.net/achaogen/> or contacting KCC by telephone at (888) 249-2747. You may also obtain copies of any relevant pleadings filed in this chapter 11 case for a fee via PACER at <http://www.pacer.gov>.

Dated: June 5, 2020
Wilmington, Delaware

/s/ Paige N. Topper

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